

AMENDED IN SENATE SEPTEMBER 3, 1997

AMENDED IN SENATE AUGUST 25, 1997

AMENDED IN SENATE JUNE 23, 1997

AMENDED IN SENATE JUNE 10, 1997

AMENDED IN ASSEMBLY MAY 1, 1997

AMENDED IN ASSEMBLY APRIL 7, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 827

Introduced by Assembly Member Thomson
(Coauthors: Senators Johnston and O’Connell)

February 27, 1997

An act amend Section 97 of the Streets and Highways Code, and to amend Section 42010 of the Vehicle Code, relating to highways, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL’S DIGEST

AB 827, as amended, Thomson. Highways: Safety Enhancement-Double Fine Zones.

(1) Existing law, until January 1, 1998, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as “Safety Enhancement-Double Fine

Zones” and impose increased fines for traffic violations occurring within these zones.

This bill would extend the date specified above to January 1, 2000.

The bill would also specify that only the base fine is to be increased pursuant to the pilot program and that any additional penalty, forfeiture, or assessment imposed by any other statute based on the amount of the base fine and shall not be based on the amount of the enhanced fine imposed pursuant to the pilot program.

The bill would require the departments to develop a pilot project for a designated portion of State Highway Route 12. Because the bill would create certain additional duties for local authorities, it would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(3) The bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. This act is dedicated in the memory of
2 Helen Madere, who as Vice Mayor of the City of Rio Vista
3 and President of the Highway 12 Association, was a
4 tireless advocate on highway safety issues and a driving
5 force behind the establishment of a Safety

1 Enhancement-Double Fine Zone for State Highway
2 Route 12.

3 SEC. 2. Section 97 of the Streets and Highways Code
4 is amended to read:

5 97. (a) The department, in consultation with the
6 Department of the California Highway Patrol, shall
7 develop five pilot projects, three in northern California
8 and two in southern California. The portions of the
9 highways involved in the projects shall be designated and
10 identified as “Safety Enhancement-Double Fine Zones”
11 and shall be in the following locations:

12 (1) On Route 37, between the intersection with Route
13 121 and the intersection with Route 29.

14 (2) On Route 4, between the intersection with the
15 Cummings Skyway and the intersection with Route 80.

16 (3) On Route 74, between the intersection with Route
17 5 and the intersection with the Riverside-Orange County
18 line.

19 (4) On Route 46, between the intersection with Route
20 101 and the junction with Route 41.

21 (5) On the Golden Gate Bridge.

22 (6) On Route 12, between the intersection with
23 Walters Road in the City of Suisun and the intersection
24 with Lower Sacramento Road in the City of Lodi.

25 (b) (1) The department shall adopt rules and
26 regulations prescribing uniform standards for warning
27 signs to notify motorists that, pursuant to Section 42010 of
28 the Vehicle Code, increased penalties apply for traffic
29 violations that are committed within Safety
30 Enhancement-Double Fine Zones. The rules and
31 regulations adopted by the department shall include, but
32 not be limited to, a requirement that Safety
33 Enhancement-Double Fine Zones be identified with
34 signs stating: “Special Driving Zone Begins Here” and
35 “Special Driving Zone Ends Here.”

36 (2) The department or local authorities, with respect
37 to highways under their respective jurisdictions, shall
38 place and maintain the warning signs specified in
39 paragraph (1) in areas designated under subdivision (a).

1 (3) The department shall report to the Legislature on
2 January 1, 1998, on the results of these pilot projects,
3 including a determination of whether the projects were
4 successful. In its report, the department shall provide a
5 detailed analysis on the impact of the pilot projects on
6 highway safety, including, but not limited to, the number
7 of accidents, traffic injuries, and fatalities in the project
8 areas. A determination that the projects were successful
9 shall be based upon a showing that a statistically
10 significant decrease in the number of accidents, traffic
11 injuries, and fatalities has occurred in the project areas.

12 (c) Designation of a highway as a Safety
13 Enhancement-Double Fine Zone does not increase the
14 civil liability of the state under Division 3.6 (commencing
15 with Section 810) of Title 1 of the Government Code or
16 any other provision of law relating to civil liability.

17 (d) *(1) Only the base fine shall be enhanced pursuant*
18 *to this section.*

19 *(2) Notwithstanding any other provision of law, any*
20 *additional penalty, forfeiture, or assessment imposed by*
21 *any other statute shall be based on the amount of the base*
22 *fine and shall not be based on the amount of the enhanced*
23 *fine imposed pursuant to this section.*

24 (e) The pilot projects specified in subdivision (a) shall
25 not be elevated in priority for state funding purposes.

26 ~~(e)~~

27 (f) This section shall remain in effect only until
28 January 1, 2000, and as of that date is repealed, unless a
29 later enacted statute, that is enacted on or before January
30 1, 2000, deletes or extends that date.

31 SEC. 3. Section 42010 of the Vehicle Code is amended
32 to read:

33 42010. (a) For any offense specified in subdivision
34 (b) that is committed by the driver of a vehicle within an
35 area that has been designated as a Safety
36 Enhancement-Double Fine Zone pursuant to subdivision
37 (a) of Section 97 of the Streets and Highways Code, the
38 fine, in a misdemeanor case, shall be double the amount
39 otherwise prescribed, and, in an infraction case, the fine
40 shall be one category higher than the penalty otherwise

1 prescribed by the uniform traffic penalty schedule
2 established pursuant to Section 40310.

3 (b) A violation of any of the following provisions is an
4 offense that is subject to subdivision (a):

5 (1) Chapter 3 (commencing with Section 21650) of
6 Division 11, relating to driving, overtaking, and passing.

7 (2) Chapter 7 (commencing with Section 22348) of
8 Division 11, relating to speed limits.

9 (3) Section 23103, relating to reckless driving.

10 (4) Section 23104, relating to reckless driving which
11 results in bodily injury to another.

12 (5) Section 23109, relating to speed contests.

13 (6) Section 23152, relating to driving under the
14 influence of alcohol or a controlled substance, or a
15 violation of Section 23103, as specified in Section 23103.5,
16 relating to alcohol-related reckless driving.

17 (7) Section 23153, relating to driving under the
18 influence of alcohol or a controlled substance, which
19 results in bodily injury to another.

20 (8) Section 23220, relating to drinking while driving.

21 (9) Section 23221, relating to drinking in a motor
22 vehicle while on the highway.

23 (10) Section 23222, relating to driving while possessing
24 an open alcoholic beverage container.

25 (11) Section 23223, relating to being in a vehicle on the
26 highway while possessing an open alcoholic beverage
27 container.

28 (12) Section 23224, relating to being a driver or
29 passenger under the age of 21 possessing an open
30 alcoholic beverage container.

31 (13) Section 23225, relating to being the owner or
32 driver of a vehicle in which there is an open alcoholic
33 beverage container.

34 (14) Section 23226, relating to being a passenger in a
35 vehicle in which there is an open alcoholic beverage
36 container.

37 (c) This section applies only when traffic controls or
38 warning signs have been placed pursuant to Section 97 of
39 the Streets and Highways Code.

(d) (1) Notwithstanding any other provision of law, the enhanced fine imposed pursuant to this section shall be based only on the base fine imposed for the underlying offense and shall not include any other enhancements imposed pursuant to law.

(2) *Notwithstanding any other provision of law, any additional penalty, forfeiture, or assessment imposed by any other statute shall be based on the base fine and shall not be based on the amount of the enhanced fine imposed pursuant to this section.*

(e) This section shall remain in effect only until January 1, 2000, and as of that date is repealed, unless a later enacted statute, that is enacted on or before January 1, 2000, deletes or extends that date.

SEC. 4. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

SEC. 5. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure, at the earliest possible time, that public safety is protected by enhancing the fines on sections of the highway that pose particularly hazardous conditions for unsafe drivers, it is necessary that this act take effect immediately.

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